

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

KULP MINERALS, LLC,

Plaintiff,

v.

Civ. No. 2:23-408 KG/KRS

APACHE CORPORATION,

Defendant.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on July 12, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below. Considering the nature of this case, the Court enters discovery deadlines for class certification purposes at this time, as well as briefing deadlines for Plaintiff to file a motion for class certification. After the motion for class certification is decided, the Court will set a new scheduling conference.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each party to any other party, with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission by each party to any other party, with responses due thirty (30) days after service. This limitation does not apply to requests for admission related solely to the authenticity of documents produced in this litigation.

(c) Maximum of ten (10) fact depositions by Plaintiff and ten (10) fact depositions by Defendant. Each deposition, including expert depositions, limited to maximum of seven (7) hours, unless extended by agreement of the parties. Defendant reserves the right to depose Plaintiff's experts on their rebuttal reports; any such depositions shall be limited to a maximum of two (2) hours unless extended by agreement of the parties. Fact witnesses will not be subject to more than one deposition, and any further discovery is subject to the limitations on the total number of depositions permitted under this discovery plan

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **August 1, 2023**;
- (b) Deadline for Defendant to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **September 1, 2023**;
- (c) Class Certification Discovery Deadline: **April 5, 2024** (discovery during this period will not be limited to class action issues);
- (d) Deadline for Plaintiff's class action expert reports: **May 3, 2024** (Plaintiff to provide two (2) proposed deposition dates for each expert that are within thirty (30) days of the disclosures);
- (e) Deadline for Defendant's class action expert reports: **July 2, 2024** (Defendant to provide two (2) proposed deposition dates for each expert that are within thirty (30) days of the disclosures);

- (f) Deadline for Plaintiff's rebuttal/reply expert reports: **August 1, 2024** (limited to contradicting or rebutting points raised by Defendants' experts);
- (g) Deadline for Plaintiff to file Motion for Class Certification: **August 16, 2024**;
- (h) Response to Motion for Class Certification due within thirty (30) days from Motion;
- (i) Reply to Motion for Class Certification due within twenty-one (21) days from response.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE